

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SHOPIFY INC. AND SHOPIFY (USA),
INC.,

Plaintiffs and Counterclaim
Defendants,

v.

EXPRESS MOBILE, INC.,

Defendant and
Counterclaim Plaintiff.

Case No. 19-439-RGA

**STIPULATION AND [PROPOSED] ORDER REGARDING SCHEDULE FOR
PRETRIAL EXCHANGES**

Plaintiffs / Counterclaim Defendants Shopify Inc., and Shopify (USA), Inc. (“Shopify”) and Defendant / Counterclaim Plaintiff Express Mobile, Inc. (“Express Mobile”) hereby stipulate, subject to the approval of the Court, to the following schedule for Pretrial Exchanges:

Date	Express Mobile Deadline	Shopify Deadline
October 27, 2021	Exchange Witness Lists and Exhibit Lists (in excel)	
October 29, 2021	Exchange proposed <i>MIL</i> topics	
November 3, 2021	Meet and confer re <i>MIL</i> topics	
November 5, 2021	Serve initial draft of Pretrial Order (L.R. 16.3(d)(1))	N/A
November 5, 2021	Serve Opening <i>MILs</i> (D.I. 9)	
November 9, 2021	Exchange Objections to Witness Lists and Exhibit Lists and exhibits themselves (including native exhibits)	
November 12, 2021	Serve <i>MIL</i> Oppositions (D.I. 9)	
November 16,	Serve draft Voir Dire, Preliminary	N/A

Date	Express Mobile Deadline	Shopify Deadline
2021	Jury Instructions, Final Jury Instructions, and Special Verdict Forms	
November 19, 2021	Serve <i>MIL</i> Replies (D.I. 9)	
November 23, 2021	N/A	Responsive / redline draft of Pretrial Order (L.R. 16.3(d)(2))
December 3, 2021	N/A	Redline edits of draft Voir Dire, Preliminary Jury Instructions, Final Jury Instructions, and Special Verdict Forms
December 6, 2021	Meet and confer on draft Pretrial Order	
December 8, 2021	Meet and confer on Voir Dire, Preliminary Jury Instructions, Final Jury Instructions, and Special Verdict Forms (L.R. 16(d)(3))	
December 10, 2021	File Joint Proposed Pretrial Order (L.R. 16(d)(4))	N/A
December 14, 2021 (by 5 PM)	File Proposed Voir Dire, Preliminary Jury Instructions, Final Jury Instructions, and Special Verdict Forms (submit word copies simultaneously to rga_civil@ded.uscourts.gov)	
December 17, 2021 (8:30 AM)	Final Pretrial Conference	
January 10, 2022 (9:30 AM)	Trial Begins	

With respect to deposition designations, the parties agree to exchange affirmative deposition designations 6 days before their planned use at trial. The parties will exchange counter-designations and objections on affirmative designations two days later (4 days before planned use). The parties will exchange reply designations and objections on counter-designations one day later (3 days before planned use). The parties will exchange objections on reply designations the following day (2 days before planned use). The parties will meet and confer regarding any objections the following day (1 days before planned use). The parties will raise any outstanding objections with the Court the following morning (day of planned use).

Dated: October 12, 2021

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Respectfully Submitted

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IT IS SO ORDERED this ____ day of _____, 2021

UNITED STATES DISTRICT JUDGE